

## **MITIGATED NEGATIVE DECLARATION**

May 3, 2007

Project Name: Pepper Drive Tentative Map

Project Number(s): TM 5504RPL<sup>2</sup>, Log No. 06-14-033

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Noise, Stormwater, and Hydrology
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. Specific Condition: Noise

1. On the Final Map the applicant shall Grant to the County of San Diego a Noise Protection Easement over a strip of land 134 feet from the centerline of Pepper Drive on Lot 1 and parts of Lot 2 of Tentative Map 5504. This easement is for the mitigation of present and anticipated future excess noise levels on noise sensitive areas of residential uses. The easement shall require the following:

Prior to the issuance of any building permit for any residential use within the noise protection easement, the applicant shall:

- a. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dBA CNEL)]. Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow on Pepper Drive for a Light Collector road classification which is the designated General Plan Circulation Element buildout roadway classification.
  - b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.
2. Prior to approval of grading and/or improvement plans, the applicant shall:
    - a. Provide evidence to the Director of Planning and Land Use that a sound wall is shown on the grading plan.
      - (1) The wall will be six feet (6') high with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these materials with no cracks or gaps through or below the wall.

- (2) The wall will start at the northwestern corner of Lot 1, running 140-feet southeast along the Lot 1 property line adjacent to Pepper Drive.
  - (3) The sound wall details and location are shown in Exhibit 1-A Summary of Recommendations and Section 1.1 Exterior Noise Mitigation within the Noise Study prepared by Urban Crossroads received on November 22, 2006. Noise Study is on file with the Department of Planning and Land use as Case Number Tentative Map TM 5504.
- b. The following specific note shall be placed on the grading and or improvement plans:
- (1) Prior to conclusion of grading activities, placement of the sound wall is required. The applicant shall submit to the Director of the Department of Planning and Land Use the following evidence that the wall was constructed properly.
  - (2) A signed, stamped statement from a California Registered Engineer, or licensed surveyor stating that the wall has been built and placed according to the plan.
  - (3) Photos, a brief description of the design and that the sound wall has been placed.

## B. TRANSPORTATION

- 1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation

measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. The "Standard Conditions for Tentative Subdivision Maps," approved by the Board of Supervisors on June 14, 2001 and filed with the Clerk as Document No. 740858(a), shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this resolution or shown on the Tentative Map will be authorized.
- B. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County.

#### PLANS AND SPECIFICATIONS

- 1. Standard Conditions 1 through 10 and 12.
- 2. Specific Conditions:
  - a. Prior to approval of the Final Map, improve or agree to improve and provide security for Walnut Tree Lane in accordance with Public Road Standards for a local road, to a graded width of fifty two feet (52') with Thirty two feet (32') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk with face of curb at sixteen feet (16') from centerline to the satisfaction of the Director of Public Works. Note: Private access south of the cul-de-sac shall be provided to the satisfaction of local Fire Department and the Director of Public Works.
  - b. Prior to approval of the Final Map, improve or agree to improve and provide security for the project side of Pepper Drive ((SC1870) along the project frontage in accordance with Public Road Standards for a Light Collector, to a graded width of thirty feet (30') from centerline and to an improved width of twenty feet (20') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk, with face of curb at twenty feet (20') from centerline of the road to the satisfaction of the Director of Public Works.

- c. Walnut Tree Lane shall terminate with a cul-de-sac (Per DS-06) graded to a radius of forty eight feet (48') and surfaced to a radius of thirty eight feet (38') with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk with face of curb at thirty eight feet (38') from the radius point.
  - d. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
  - e. Adequate sight distance per County Standards shall be provided at all proposed intersections of to the satisfaction of the Director of Public Works.
  - f. An avigation and/or overflight easement will be required to the satisfaction of the Director of Public Works.
- 3. Standard Conditions 13 through 18.
  - 4. Standard Conditions 19(a-e).
  - 5. Specific Conditions:
    - a. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- b. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

#### DEVELOPMENT IMPACT FEES

6. Specific Conditions:

- a. Deposit with the County Department of Public Works \$220.00. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.
- b. Participate in the cost of a traffic signal installation at the intersection of (a) Pepper Drive at Graves Avenue, and (b) Pepper Drive at Mollison Avenue and (c) 1<sup>st</sup> Street North at Bradley. The amount of the developer's portion of the entire cost of the signal shall be \$449. The Planning Commission//Board of Supervisors hereby determines that:

- (1) The fees are to assist in financing the construction of traffic signals to mitigate the impacts of this project on traffic safety;
- (2) The fees will be used to contribute toward the installation of traffic signals at the intersection of (a) Pepper Drive at Graves Avenue, and (b) Pepper Drive at Mollison Avenue and (c) 1<sup>St</sup> Street North at Bradley,
- (3) The traffic signals will help mitigate the additional traffic impact on these intersections caused by this residential subdivision;
- (4) The fee of \$449 is based on an estimate of the percentage of traffic this project will contribute to these intersections.

## FINAL MAP RECORDATION

### (Streets and Dedication)

#### 7. Specific Conditions:

- a. With the Final Map, dedicate onsite and cause to be granted off-site fifty two feet (52') of right-of-way to accommodate Walnut Tree Lane in accordance with Public Road Standards for a Residential Road together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
- b. With the Final Map, dedicate or caused to be granted Pepper Drive (SC1870) along the project frontage in accordance with Public Road Standards for a Light Collector road to a width of thirty feet (30'), together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
- c. With the Final Map, dedicate sufficient right-of-way at the end of Walnut Tee Lane to a radius of forty eight feet (48') in accordance with Public Road Standards, together with the right to extend and maintain drainage facilities to the satisfaction of the Director of Department of Public Works.

- d. Contact Route Locations of the Department of Public Works to determine the desired location of the centerline for Pepper Drive (SC1870), which is shown on the Circulation Element of the County General Plan as a Light Collector. The following shall be shown on the Final Map:
  - (1) The centerline location as approved by the Department of Public Works.
- e. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- f. Relinquish access rights into Pepper Drive (SC1870) except for Walnut Tree Lane intersection.
- g. An avigation and/or overflight easement will be required to the satisfaction of the Director of Public Works.

(Miscellaneous)

- 8. Standard Conditions 25, 26, 27, and 28.

C. Waivers and Exceptions:

- 1. These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:
  - a. Standard Conditions for Tentative Maps:
    - (1) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.

- (2) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

DEVON MUTO, Planning Manager  
Regulatory Planning Division

DM:MF:jcr

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